

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
10801 W CHARLESTON BLVD
SUITE 500
LAS VEGAS, NV 89135
TELEPHONE: 702.369.6800

Anthony L. Martin
Nevada Bar No. 8177
anthony.martin@ogletreedeakins.com
Elody C. Tignor
Nevada Bar No. 15663
elody.tignor@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
10801 W. Charleston Blvd.
Suite 500
Las Vegas, NV 89135
Telephone: 702.369.6800
Fax: 702.369.6888

Attorneys for Defendant Findlay Management Group

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

JOHN DONNELLY,

Plaintiff,

vs.

FINDLAY MANAGEMENT GROUP, a
Nevada Corporation; DOES I-X; ROE
BUSINESS ENTITIES I-X,

Defendants.

Case No.: 2:24-cv-00375-CDS-BNW

**DEFENDANT'S REQUEST FOR
EXCEPTION TO ATTENDANCE OF
INSURANCE CARRIER AT EARLY
NEUTRAL EVALUATION**

**HEARING DATE: May 29, 2024
HEARING TIME: 9:30 AM**

Defendant Findlay Management Group ("Defendant"), by and through its undersigned counsel, hereby respectfully submits this request to allow its insurance carrier representative to attend the Early Neutral Evaluation ("ENE") session scheduled for May 29, 2024 remotely.

Pursuant to the Court's Order (ECF No. 14), where a party is subject to coverage by an insurance carrier, a representative of the insurance carrier, with authority to settle the matter up to the full amount of the claim, must personally attend the ENE, unless an exception is granted.

Bruce Green, Defendant's Director of Business and Legal Affairs, will attend the ENE in person. Mr. Green is familiar with the claims alleged by Plaintiff, and has authority on behalf of Defendant to resolve the matter.

Defendant has an Employment Practices Liability policy through ASCOT. The retention under the policy is substantial and has not yet been met, and may not ever be met in the ordinary

course of this single-plaintiff litigation. Ricardo Sanchez ("Mr. Sanchez"), ASCOT Claims Specialist, has been assigned to monitor the claim. Defendant's request that Mr. Sanchez be allowed to appear telephonically, unless the Court prefer his participation via Zoom. His telephonic participation will not inhibit or limit the parties' ability to negotiate or reach a potential settlement.

If an exception to Defendant's insurance carrier's attendance requirement is granted, Mr. Sanchez will be available as needed telephonically for the entirety of the ENE. However, based on the allegations contained in Plaintiff's Complaint, and for reasons that will be discussed in detail in Defendant's ENE statement, Defendant believes the insurance policy's retention threshold far exceeds the value of Plaintiff's claims.

Defendant is confident in its ability to fully and in good faith participate in the ENE with Mr. Sanchez available telephonically. Based on the foregoing, Defendant respectfully requests that the Court's attendance requirement for Defendant's insurance carrier be waived, and that the Court approve Defendant's request to allow the claims representative to be available telephonically for the May 29, 2024 ENE.

DATED this 18th day of April, 2024.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Elody C. Tignor

Anthony L. Martin

Nevada Bar No. 8177

Elody C. Tignor

Nevada Bar No. 15663

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

10801 W. Charleston Blvd.

Suite 500

Las Vegas, NV 89135

Attorneys for Defendant Findlay Management Group.

IT IS SO ORDERED.


U.S. MAGISTRATE JUDGE

Date: April 19, 2024